

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ANDRE COLE,

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Petitioner,

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vs.

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Case No. 4:05CV131 CDP

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DON ROPER,

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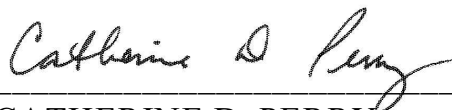
Respondent.

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**ORDER GRANTING CERTIFICATE OF APPEALABILITY**

After considering petitioner's motion seeking a certificate of appealability on Claim 20, which seeks relief based on the cumulative effect of the other grounds, I agree that although the Eighth Circuit Court of Appeals has rejected this type of argument, reasonable jurists could, and have, found this issue debatable. I will therefore grant a Certificate of Appealability on this issue. Accordingly,

**IT IS HEREBY ORDERED** that petitioner's supplemental motion to expand the certificate of appealability [#74] is granted, and this Court grants a Certificate of Appealability on Claim 20.



CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2009.